



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,366	02/05/2002	Robert E. Fischer	053768.0002	6046

1200 7590 02/26/2003
AKIN, GUMP, STRAUSS, HAUER & FELD
711 LOUISIANA STREET
SUITE 1900 SOUTH
HOUSTON, TX 77002

EXAMINER

KOVAL, MELISSA J

ART UNIT	PAPER NUMBER
----------	--------------

2851

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,366

Applicant(s)

FISCHER ET AL.

Examiner

Melissa J Koval

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19, 20 and 23-33 is/are rejected.
- 7) ☒ Claim(s) 16-18, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the diffuser of claims 16 and 18, the holographic diffuser of claim 17, and the light pipe comprised by a compound parabolic concentrator of claim 22 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: In line 9 of the Abstract of the Disclosure -- homogenize -- is incorrectly spelled "homoginze".

Applicant should carefully review the entire specification for similar problems.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 2, 4, 7, 8, 9, 26, 27, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Koch-Bossard et al. ('845).

Refer to the aiming projector shown in Figures 1-4 of Koch-Bossard et al., for example.

Claim 1 sets forth: "A light projecting device, comprising:

a light source (filament 7, refer to column 3, line 59);

a light homogenizer (mirror 6);

wherein the light homogenizer homogenizes the light from the light source into a uniform image."

With respect to claim 2, refer to spherical mirror 10.

With respect to claims 4 and 7, filament 7 could belong to either type of light source claimed. Refer to column 3, lines 62 and 63. Also refer to Figure 5.

With respect to claims 8 and 9, refer to holder 4 and central passage 4'.

Claim 26 is rejected for the same reasons applied to already rejected claim 1. The method described therein is clearly defined by the apparatus disclosed by Koch-Bossard et al. Also refer to telephoto lens 2.

Claim 27 is rejected for the same reasons already applied to rejected claims 4 and 7.

Claims 29 and 30 are rejected for the same reasons already applied to rejected claims 8 and 9.

Art Unit: 2851

Claims 1, 4, 8-11, and 26- 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Tano. ('723 B1)

Refer to the image display device shown in Figures 2 of Tano, for example.

Claim 1 sets forth: "A light projecting device, comprising:

a light source (light source 310);

a light homogenizer (condenser lens 320);

wherein the light homogenizer homogenizes the light from the light source into a uniform image." Refer to image 330.

With respect to claims 4 and 11, light source 310 appears to be a conventional flashlight bulb. Furthermore with respect to claim 11, refer to small battery 170.

With respect to claims 8, 9 and 10, refer to slide transparency 330, aperture or slot 331, and track 333.

Claim 26 is rejected for the same reasons applied to already rejected claim 1. The method described therein is clearly defined by the apparatus disclosed by Tano. Also refer to projection lens 340.

Claims 27 and 28 are rejected for the same reasons already applied to rejected claims 4 and 11.

Claims 29 and 30 are rejected for the same reasons already applied to rejected claims 8 and 9.

Claims 1, 2, 3, 5-8, 12-14, 19, 23, 24, 26, and 30-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Tiao et al. ('863 B1).

Art Unit: 2851

Refer to the illumination device shown in Figure 2A of Tiao et al., for example.

Claim 1 sets forth: "A light projecting device, comprising:

a light source (light source 200);

a light homogenizer (taper light pipe 220);

wherein the light homogenizer homogenizes the light from the light source into a uniform image."

With respect to claims 2 and 3, refer to the prior art shown in Figure 1B, wherein light source 10 and light pipe integrator 25 are shown. Light source 10 appears to comprise an elliptical reflector and such devices are well known in the art.

With respect to claim 5 and 6, refer to column 3, lines 25 through 31.

With respect to claim 7 again refer to the prior art shown in Figure 1B. Also refer to column 1, lines 18 through 27.

With respect to claim 8, refer to light valve 230.

With respect to claims 12, 13 and 19, again refer to light taper pipe 220.

With respect to claim 14 refer to the embodiment shown in Figure 4B of Tiao et al.

With respect to claims 23, 24 and 25, refer to the embodiment shown in Figure 9A of Tiao et al. Refer to first and second lens arrays 920 and 930.

Claim 26 is rejected for the same reasons applied to already rejected claim 1. The method described therein is clearly defined by the apparatus disclosed by Tiao et al. Also refer to projection lens 1030 of Figure 10.

Claim 30 is rejected for the same reasons already applied to rejected claim 8.

Claim 31 is rejected for the same reasons already applied to rejected claim 13.

Claims 32 and 33 are rejected for the same reasons already applied to rejected claims 23, 24 and 25.

Claims 1-3, 7-9, 12-15, 20, 26, 29, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Koyama. ('974 B1).

Refer to Figure 6 of Koyama, for example.

Claim 1 sets forth: "A light projecting device, comprising:

a light source (light source 1);

a light homogenizer (integrator 5);

wherein the light homogenizer homogenizes the light from the light source into a uniform image."

With respect to claims 2 and 3, refer to ellipsoidal reflector 2'.

With respect to claim 7, light source 1 appears to be a traditional arc lamp.

With respect to claim 8, refer to liquid crystal panel 10.

With respect to claim 9, refer to aperture 13.

With respect to claims 12 and 13, refer to again integrator 5.

With respect to claim 14, again refer to Figure 6.

With respect to claim 15, refer to the Prior Art shown in Figure 1B and the integrator 25 shown therein.

With respect to claim 20, refer to column 4, lines 12 through 21.

Claim 26 is rejected for the same reasons applied to already rejected claim 1. The method described therein is clearly defined by the apparatus disclosed by Koyama. Also refer to convex lens 6.

Claims 29 and 30 are rejected for the same reasons already applied to rejected claims 8 and 9.

Claim 31 is rejected for the same reasons already applied to rejected claim 13.

Allowable Subject Matter

Claims 16 through 18, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art neither shows nor suggests a diffuser or a holographic diffuser, a light pipe comprised of a circular rod of glass, or a light pipe comprised by a compound parabolic concentrator in combination with the other elements defined in claims 12, 13, 16 and 20 respectively.

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shirakura et al. U.S. Patent 6,464,358 B1 teaches an image reproducing apparatus for a holographic stereogram.

Brown et al. U.S. Patent 6,431,732 B1 teaches a Laser Flashlight.


Okura U.S. Patent Application Publication US 2001/0043313 A1 teaches a projection type illuminating device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa J Koval whose telephone number is (703) 308-4801. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on Monday through Thursday at (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MJK
February 20, 2003


RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800